

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

**LEO GALLAGHER, d/b/a "GALLAGHER", AND
SOLD OUT SHOWS, INC.,**

Plaintiffs/Counter-Defendants,

v.

RON GALLAGHER,

Defendant/Counter-Plaintiff,

and

**CLASSIC ENTERTAINMENT, INC.,
and CLASSIC PRODUCTIONS, INC.,**

Defendants.

Case No.: 99-75657

Hon. Paul D. Borman

Magistrate Judge Pepe

U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
DETRIT
FEB -3 AM 1:24

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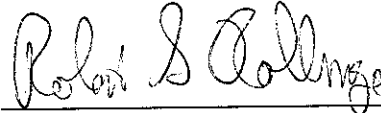
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NOTICE OF HEARING

TO: JAMES R. COLE, Esq.
DOUGLAS SPRINKLE, Esq.

PLEASE BE ADVISED that the undersigned will bring on for hearing Defendant Ron Gallagher's Motion for Entry of Order on a date and time to be set by the Honorable Paul D. Borman.

Respectfully submitted,



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Dated: January 31, 2000

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2000

**MOTION FOR ENTRY OF PROPOSED ORDER DENYING IN
PART PLAINTIFF/COUNTER-DEFENDANT "GALLAGHER'S"
MOTION FOR PRELIMINARY INJUNCTION**


DEFENDANT RON GALLAGHER, by and through his attorney ROBERT S. ROLLINGER, P.C. and SHARI FRIEDMAN-LESNICK pursuant to LR 58.1 moves this Honorable Court for entry of the attached Proposed Order Denying In Part Plaintiff/Counter-Defendant Gallagher's Motion for Preliminary Injunction and in support thereof states as follows:

1. That this court ordered that the parties appear before this Honorable Court for a hearing on Plaintiff's motion for preliminary injunction, which hearing occurred on December 22, 1999;
2. That the hearing was brought pursuant to the motion for preliminary injunction filed by the Plaintiff, Leo Gallagher, Jr. d/b/a "Gallagher" and Sold-Out Shows, Inc.;
3. That pending before the court on the hearing date was the Defendant's Motion to exclude the deposition of Ruth Ann Hoffman, in addition to the Plaintiff's Motion for preliminary injunction;
4. That at the evidentiary hearing before this court, the court took the testimony of Laura Mannusa and Ms. Mannusa was cross examined; furthermore, the direct examination of Plaintiff, Leo Gallagher and his cross-examination also occurred, before the court rendered a decision;
5. That at the hearing held before this court on December 22, 1999, the court did deny the Plaintiff Counter-Defendant's Motion for Preliminary Injunction, to the extent which the Plaintiff's motion sought to enjoin Defendant, Ron Gallagher, from appearing at the Fisher Theater in Detroit, Michigan on December 31, 1999;

6. That the court indicated on the record that it reserved the right to enter a preliminary injunction at a later date, based upon the continuation of the hearing on the Plaintiff's motion for preliminary injunction;
7. That the court further determined that the testimony of Ruth Ann Hoffman is of significance in this matter and, the lack of cross-examination by Defendant, Classic Products, Inc., required that her deposition testimony be stricken, and that Ruth Ann Hoffman of Sold-Out Shows, Inc., be made available for cross-examination by the Plaintiff;
8. That the court determined that the Preliminary Injunction Hearing be continued on Tuesday, February 8, 2000, commencing at 9:00 a.m.;
9. That as required by LR 58.1, Defendants did prepare a proposed Order, a copy of which is attached as Exhibit 1 and, did circulate the proposed Order amongst the attorneys of record, in order to have it entered by stipulation without the necessity of a hearing; as evidenced by the letter of transmittal dated January 10, 2000, a copy of which is attached as Exhibit 2.
10. That Plaintiff's counsel James Cole and Douglas Sprinkle have indicated that they will not voluntarily stipulate to entry of the proposed Order, requiring that this court schedule a hearing for purposes of having the Order entered as an Order of the court;
11. That LR 58.1(v) provides that a party may prepare a proposed judgment or order and notice it for settlement before the court.

WHEREFORE, Defendant Ron Gallagher moves this Honorable Court for a hearing on the Defendant Ron Gallagher's proposed order regarding the hearing held before this court on December 22, 1999 pursuant to Plaintiff's Motion for Preliminary Injunction.

Respectfully submitted,



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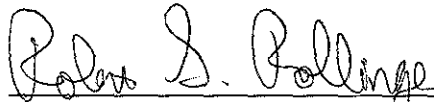
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Dated: January 31, 2000

BRIEF IN SUPPORT OF DEFENDANT'S MOTION FOR ENTRY OF ORDER

DEFENDANT RON GALLAGHER relies upon LR 58.1 in support of the instant motion.

Respectfully submitted,



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Dated: January 31, 2000

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THAT WERE NOT
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